

PROVISO
SUBCOMMITTEE
RECOMMENDATIONS



TRANSPORTATION
AND
REGULATORY

**PROVISO SUBCOMMITTEE
TRANSPORTATION AND REGULATORY
RECOMMENDATIONS FOR FY 2009-10
TO THE HOUSE WAYS AND MEANS COMMITTEE**

SECTION 55 - L46 - COMMISSION FOR MINORITY AFFAIRS

- 55.5 DELETE** (Student Achievement and Vision Education) Directs the Commission for Minority Affairs to study and document family and community structures that contribute to or by their absence, exacerbate poor student achievement and socioeconomic deprivation. Directs the commission to identify all funding to programs and services that support family well being. Directs the commission to develop an assessment tool to survey appropriate agencies regarding services, associated cost, and other relevant information in order to identify and document gaps and duplication of services. Requires specific agencies to provide information to the commission as well as other agencies the commission deems appropriate. Directs the commission to compile a report that identifies strengths, weaknesses, and gaps in program support activities that should be addressed to increase positive outcomes to help close the achievement gap, provide community supports that strengthen families, and address inequities confronting minorities. Directs that the report make recommendations on the reallocation of funds, restructuring of agencies and services, and need for new programs or incentives for public-private partnerships. Directs that the report be issued by the first Tuesday of February, 2009 to the Governor, President Pro Tempore of the Senate, Chairman of the Senate Finance Committee, Chairman of the Senate Education Committee, Speaker of the House of Representatives, Chairman of the House Ways and Means Committee, Chairman of the House Education and Public Works Committee, Chairman of the Legislative Black Caucus and State Superintendent of Education.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~55.5. (CMA: Student Achievement and Vision Education) The Commission for Minority Affairs is directed to study the economic and social impact of state funded programs that serve counties experiencing demographic shifts in the minority populations. The commission shall also study the programs and structures that contribute to or by their absence, exacerbate the problem of poor student achievement and socioeconomic deprivation. The commission is directed to identify all funding to programs and services that support family well being in South Carolina. To identify and document gaps and duplication of services, the commission is directed to collect information regarding spending and programming from the following state agencies that will by virtue of this proviso be required to comply. The following state agencies are required to provide information to the Commission for Minority Affairs: Adjutant General's Office (Emergency Management Division), Department of Agriculture, Department of Alcohol and Other Drug Abuse Services, Commission for the Blind, Budget and Control Board, Department of Commerce, Department of Consumer Affairs, Department of Corrections, School for the Deaf and the Blind, Department of Disabilities and Special Needs, Education Oversight Committee, Department of Education, Educational Television Commission, Employment Security Commission, Governor's Office, Department of Health and Environmental Control, Department of Health and Human Services, State Housing, Finance and Development Authority, Department of Juvenile Justice, Department of Mental Health, Department of Probation, Parole and Pardon Services, Department of Social Services, state colleges and universities, and other agencies as the commission deems appropriate. The commission shall compile reports that identifies strengths, weaknesses, and gaps in program support activities that should be addressed to increase positive outcomes to help close the achievement gap, provide community supports that strengthen families, and address inequities confronting minorities in the State. The report~~

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~~shall make recommendations regarding the reallocation of funding, restructuring of agencies and services, and the need for new programs or incentives for public-private partnerships. The report(s) shall be issued to the Governor, the President Pro Tempore of the Senate, the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, the Chairman of the House Education and Public Works Committee, the Chairman of the Legislative Black Caucus and the State Superintendent of Education and State Agency Heads on or before the first Tuesday of February 2009 for consideration and further legislative action.~~

SECTION 56 - R04 - PUBLIC SERVICE COMMISSION

- 56.1** **AMEND** (Real-Time Closed Captioning - Major Media Markets) Authorizes and directs the Public Service Commission to spend up to \$810,000 from the Dual Party Relay Fund to continue real-time closed captioning of locally produced news services for the 4 television stations currently providing the service. States that the purpose of the voluntary program is to allow deaf and hard-of-hearing citizens to have real-time access to news and weather information. Directs that these funds can only be used for expenditures directly related to real-time closed captioning and that this provision remains in effect through June 30, 2009 or until a contract for real-time closed captioning is awarded, whichever comes first.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change "\$810,000" to "\$610,000" and direct that it is to be spent "in form of a credit" from the Dual Party Relay Fund. Delete the requirement that the funds be spent to continue real-time closed captioning of locally produced news services "for the four television stations that are currently providing the service" and instead direct that the funds are to be used to continue the service "at a maximum of one television station in each of the four markets that are currently served." Direct that each station receive reimbursement based on actual expenses incurred in providing the services up to a maximum of \$152,500 each during FY 09-10. Direct those expenditures over that amount would be the sole responsibility of the station and no credit or reimbursement would be provided by the state. Change the year for which this provision would remain in effect from "2009" to "2010" and delete the stipulation that the provision remain in effect until a contract is awarded. Define news programs as any locally produced regularly scheduled newscasts as well as non-regularly scheduled events such as debates, community meetings, etc. Direct that as long as these guidelines are followed, stations would be solely responsible for choosing the programs that would be captioned. Fiscal Impact: No impact on the General Fund.

56.1. (PSC: Real-Time Closed Captioning - Major Media Markets) The Public Service Commission is authorized and instructed to expend up to ~~\$810,000~~ \$610,000 in form of a credit from the Dual Party Relay Fund in order to continue real-time closed captioning of locally produced news services ~~for the four television stations that are currently providing the service~~ at a maximum of one television station in each of the four markets that are currently served.

Each station shall receive a reimbursement based on actual expenses incurred in providing real time closed captioning services up to a maximum expenditure of \$152,500 each during Fiscal year 2009-10. Any expenditure over this amount would be the sole responsibility of the station and the state would provide no credit or reimbursement.

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The purpose of the voluntary project is to allow for the deaf and hard-of-hearing citizens of our state to have real-time access to news and weather information. Only expenditures directly related to real-time closed captioning can be funded from this appropriation. This proviso will remain in effect through June 30, 2009, 2010 or until such time as a contract for real-time closed captioning may be awarded, whichever comes first.

To be eligible to participate in the program and receive reimbursement from the state, the station within each market that produces the greatest amount of news on average for the past three year period would have the right of first refusal to participate in the project. Stations would be able to seek reimbursement quarterly from the Public Service Commission by submitting a detailed billing of what programs have been captioned.

News programs shall be defined as any locally produced regularly scheduled newscasts as well as non-regularly scheduled events such as debates, community meetings, etc. As long as these guidelines are followed, the stations would be solely responsible for choosing what programs would be captioned.

SECTION 59 - R12 - STATE ACCIDENT FUND

- 59.2** **DELETE** (Workers' Compensation Coverage for Volunteers) Directs the State Accident Fund to provide recommendations to the General Assembly and the Governor by January 16, 2009, on state provided professional liability and workers' compensation insurance coverage for professionals licensed under Title 40 who voluntarily provide professional services outside the course of their employment to participate in organized, continuing proactive programs that operate under local Offices of Emergency Management authority or at the request of state or local governments during or in the 48 hours preceding natural disasters or declared states of emergency within the state.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Requirements will be completed.* Fiscal Impact: No impact on the General Fund. Requested by State Accident Fund.

~~**59.2.** (SAF: Workers' Compensation Coverage for Volunteers) The State Accident Fund shall provide recommendations to the General Assembly and the Governor regarding state provided professional liability and workers' compensation insurance coverage for professionals licensed pursuant to Title 40 of the 1976 Code who volunteer to provide professional services that are outside of and not in the course of their employment and who participate in organized, continuing proactive programs which operate under the authority of local Offices of Emergency Management or at the request of state or local governments during or in the forty-eight (48) hours preceding natural disasters or declared states of emergency occurring in South Carolina. The recommendations shall be submitted by January 16, 2009.~~

SECTION 65 - R36 - DEPARTMENT OF LABOR, LICENSING AND REGULATION

- 65.8** **DELETE** (Board of Pharmacy-Pharmacy Technician Certification Requirements) Directs that during FY 08-09, of the funds appropriated to LLR for Professional & Occupational Licensing, a one-time certification process must be implemented for certifying Pharmacy Technicians who, as of June 30, 2004, met the academic and supervised practice requirements, but did not submit all the required information in accordance with the Board's

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submission requirements. Requires that these individual must have met all requirements of Section 40-43-82 (A), (B), and (C) [PHARMACY TECHNICIANS; REGISTRATION].

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~65.8. (LLR: Board of Pharmacy-Pharmacy Technician Certification Requirements) During Fiscal Year 2008-09, of the funds appropriated to the Department of Labor, Licensing and Regulation for Professional & Occupational Licensing, a one-time certification process must be implemented for the certification of Pharmacy Technicians who have met the academic and supervised practice requirements as of June 30, 2004, but not all of the required information was submitted in accordance with the Board's submission requirements. These individuals must have met all the requirements of Section 40-43-82 (A), (B), (C).~~

- 65.9** **DELETE** (Wind and Structural Engineering Research Lab) Directs the department to use \$100,000 to contract with Clemson's Department of Civil Engineering and Engineering Mechanics and with the Citadel in conjunction with the Home Builders Association of S.C. to establish a research project to determine whether the wind and seismic residential building requirements for the state as prescribed in the 2006 International Residential Code are valid. Directs that a preliminary report be submitted to the SC Building Council by June 30, 2009. Directs that the current SC Residential Building Code remain in place until June 30, 2009 in order to ensure the maximum benefit of the study.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Labor, Licensing and Regulation.

~~65.9. (LLR: Wind and Structural Engineering Research Lab) The Department of Labor, Licensing, and Regulation is directed to utilize \$100,000 of the funds appropriated to the department to contract with Clemson University's Department of Civil Engineering and Engineering Mechanics and the Citadel in conjunction with the Home Builders Association of South Carolina, to establish a research project to determine the validity of wind and seismic residential building requirements for South Carolina, as prescribed in the 2006 International Residential Code (IRC). A preliminary report on the findings must be submitted to the SC Building Council by June 30, 2009. To ensure the maximum benefit of this study the current SC Residential Building Code will remain in place until June 30, 2009.~~

- 65.flx** **ADD** (Flexibility) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the department to spend agency earmarked and restricted accounts to maintain critical programs previously funded with general funds. Require any increase in spending authorization for these purposes to receive prior Office of State Budget approval. *Use other funds to match federal funds for the OSHA & OSHA Voluntary Programs to replace state funds that were cut from the budget.* Fiscal Impact: No impact on the General Fund. OSB states that other funds subfunds impacted would be primarily POLA revenue (current value \$35,340,596) and Trust Funds such as Auctioneer Recovery Fund (capped at \$125,000), Vacation Time Sharing Recovery Fund (current balance \$252,980), Education & Research Fund (current balance \$465,700) and Real Estate Appraisal Registry Fund (current balance \$17,260). The department reports that the State match (1:1) needed to receive federal funds and to maintain a State-directed program is approximately \$1.8 million. After the recent budget reductions, only about \$1.4 million in State funds is budgeted for the match. Requested by Department of Labor, Licensing and Regulation.

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65.flx. (LLR: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions, the Department of Labor, Licensing, and Regulation shall be authorized to spend agency earmarked and restricted accounts to maintain critical programs previously funded with general fund appropriations. Any increase in spending authorization for these purposes must receive the prior approval of the Office of State Budget.

SECTION 67 - R60 - EMPLOYMENT SECURITY COMMISSION

67.prp ADD (Federal and Earmarked Prior Year Payments) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the Employment Security Commission to pay federal and earmarked prior year obligations with current year funds. *Accommodate federal lag.* Fiscal Impact: No impact on the General Fund. Requested by Employment Security Commission.

67.prp. (ESC: Federal and Earmarked Prior Year Payments) The Employment Security Commission shall be allowed to pay federal and earmarked prior year obligations with current year funds.

SECTION 68A - U12 - DEPARTMENT OF TRANSPORTATION

68A.14 DELETE (Reopen Rest Areas) Directs the department to use the \$723,000 general fund appropriation designated for "Commercial Motor Vehicle Rest Areas" to reopen 7 non-facility parking areas for commercial vehicles only. Directs that the department in conjunction with DPS will determine the locations of the rest areas. Directs the department to post signs that restrict these parking areas to commercial vehicles and to post "no trespassing" signs to prohibit pedestrian entry. Directs the department to determine whether federal grants are available to supplement the funds appropriated for this purpose and if so to apply for such federal grant. Authorizes these funds to be carried forward and used for the same purpose. **PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Transportation.

~~68A.14. (DOT: Reopen Rest Areas) The Department of Transportation is directed to utilize the \$723,000 appropriated from the General Fund designated "Commercial Motor Vehicle Rest Areas" to reopen seven non-facility parking areas for commercial vehicles only. These locations will be determined by the Department of Transportation in conjunction with the Department of Public Safety.~~

~~The Department of Transportation shall post signs restricting these parking areas to commercial vehicles and shall post "no trespassing" signs to prohibit pedestrian entry into the areas.~~

~~The Department of Transportation is directed to ascertain whether federal grants are available in order to supplement the general funds appropriated for this purpose, and if so to make application for such federal grant.~~

~~Funds appropriated to reopen rest areas may be carried forward from the prior fiscal year and used for the same purpose in the current fiscal year.~~

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SECTION 89 - X90 - GENERAL PROVISIONS

89.107 DELETE (DMV Cash Surplus Transfer) RequireS DMV to transfer \$10,000,000 from DMV Operating Subfund 3264 and Uninsured Motorist Fees and Fines Subfund 3595 to the Department of Education for school bus fuel. Authorize the department to transfer an equal amount of funds from any agency earmarked or restricted account designated as “special revenue funds” as defined by the Comptroller General’s records for this purpose in order to provide maximum flexibility to maintain critical programs. Direct that any restrictions concerning specific use of these funds are lifted for the current fiscal year.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~89.107. (GP: DMV Cash Surplus Transfer) The Department of Motor Vehicles shall transfer \$10,000,000 from DMV Operating Subfund 3264 and Uninsured Motorist Fees and Fines Subfund 3595 to the Department of Education for school bus fuel.~~

~~In order to provide maximum flexibility to maintain critical programs, the department may, in lieu of the specific account identified above, opt to transfer an equal amount of funds from any agency earmarked or restricted account designated as “special revenue funds” as defined by the Comptroller General’s records for this purpose. Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year.~~